

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. 5:24-cv-00902-AB-SHK

Date: August 30, 2024

Title: *Lynn Macy v. CSA 18 Special Districts Public Works*

Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

D. Castellanos

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings (IN CHAMBERS): ORDER GRANTING REQUEST TO STRIKE SECOND
AMENDED COMPLAINT**

On August 15, 2024, the Court issued its Report and Recommendation (“R&R”) of the United States Magistrate Judge to Grant Defendant’s Motion to Dismiss (“MTD”). Electronic Case Filing Number (“ECF No.”) 35, R&R. In the R&R, the Magistrate Judge recommended that the District Judge: (1) accept the findings in the R&R; (2) grant Defendant’s MTD; (3) dismiss the First Amended Complaint (“FAC”) without prejudice and with leave to amend; and (4) order that Plaintiff has 21 days from the date of the Order accepting the R&R to file a Second Amended Complaint (“SAC”) if she wishes to pursue this action further.

On August 23, 2024, Plaintiff filed an Amended Complaint, which the Court construed as a SAC. ECF No. 37, SAC. However, on August 27, 2024, Plaintiff filed a Request to Strike the SAC (“Request”). ECF No. 38, Request. In her Request, Plaintiff sought to strike the SAC because she “accidentally submitted the [SAC] without USC statutes” and Plaintiff indicated that she “will be re-submitting the correct [SAC] soon.” *Id.* at 1.

Here, the District Judge assigned to this case has not yet addressed the findings and recommendations set forth in the Magistrate Judge’s R&R. Consequently, any SAC filed that supersedes Plaintiff’s FAC, while an R&R addressing the merits of Plaintiff’s FAC is pending review by the District Judge, is premature. As such, the Court **GRANTS** Plaintiff’s Request and **STRIKES** the SAC as premature.

Plaintiff is reminded that until the District Judge issues an order addressing the recommendations set forth in the R&R, Plaintiff shall refrain from filing a SAC. **Plaintiff is**

cautioned that any SAC filed before the District Judge addresses the R&R may be stricken by the Court as premature. Finally, to avoid confusion and prevent the docket from becoming populated with unnecessary filings, Plaintiff is encouraged to seek assistance from the Pro Se Clinic and to comply with Court Orders and the Local Civil Rules of this Court.

IT IS SO ORDERED.